



The Insider

www.senate.michigan.gov/switalski

Inside State Politics with State Senator Mickey Switalski Senate District 10

August 29, 2008

Welcome to the electronic version of *The Insider*. I would like to take the opportunity to thank you for your support and giving me an opportunity to represent you in the Michigan Senate. It is my sincere hope that this bi-weekly e-newsletter will keep you informed of the happenings in Lansing while staying true to the traditional style of *The Insider*. If you would like to contact me, please feel free to e-mail me at senmswitalski@senate.michigan.gov or call me at my Roseville or Lansing office. You can also meet me in person during my constituent hours, coming to a location near you. Call my office and make an appointment or just walk in. See schedule for details.

Mickey's Blog: I Told You So MIP Stance Vindicated by the Courts

I have been immersed in a lonely struggle for years in the Michigan Legislature. I swim against a strong tide, a misguided wave of zero tolerance to youthful transgressions that has resulted in the unfair criminalization of many kids.

A vaguely written law in the hands of an unscrupulous prosecutor can be a blunt and arbitrary instrument. Without much thought, we have made sexual offenders out of innocent Romeo and Juliets. Kids sneaking a beer at a house party have been branded with criminal records. Kids with a fake ID at a bar have been charged with identity theft.

It's not really fair, but few people are willing to stick up for kids. If you argue against such laws, you expose yourself to the charge that you aren't tough on crime. Most people have little sympathy for underage drinkers, especially because it is so easy to confuse Drunk Driving, a serious crime, with the minor misdemeanor of underage drinking at a bonfire. Politicians exploit this confusion, so many prosecutors and judges vie for the reputation of being the toughest on youth.

Then they campaign on it.

And after all, statistically, very few 18-21 year olds vote.

Perhaps these politicians have forgotten their own behavior as youths. Perhaps they only crave the superficial popularity of being "tough." But people who have been on the other end of these draconian policies, both parent and child, see the injustice clearly.

I lost one of these battles a few years ago when we redefined the meaning of "possession" in the Minor in Possession of Alcohol statute. The courts ruled that 19-year olds could drink legally in Canada and

then return to the United States. So the Michigan Legislature redefined “possession” to mean presence in the body, and lowered the threshold to .02 percent, a trace amount.

Now when you return from Canada, you can be tested and arrested in the back seat of a car piloted by your designated driver. Law enforcement went far beyond that. Roving bands of “party police” armed with breathalyzers stopped kids on the street or in a house and forced them to submit to breath tests. Anyone who refused was given a \$100 ticket.

In one celebrated case, an 18-year old girl left a graduation party and went home to sleep. Police later busted the party, and found the purse she’d left behind. They went to her parents’ house at 4 a.m., woke everyone up and demanded she take the breath test.

She passed.

And she sued.

As I argued during the debate on the MIP statute, the government is forbidden by the 4th Amendment to the Constitution from conducting unreasonable searches without a warrant. Random breath tests of kids on the street or in a house are unconstitutional. With the help of the ACLU and University of Michigan Law Professor David Moran, the kids prevailed. United States District Judge David Lawson issued a decision that restrained and enjoined the police from conducting these breath tests without a warrant. As part of the settlement, the state agreed not to appeal, and in the words of Professor Moran, the statute is a “dead letter.”

“I first became aware of this statute in 2000, and I just about fell out of my chair when I read it,” continued Moran. “No other state had a law like this. The ruling was a big victory for the constitutional rights of young people.”

I feel vindicated.

Underage drinking is a problem, but it is youthful misbehavior that needs to be managed within acceptable limits. Kids must know that it is strictly forbidden to drink and drive, but that simple underage drinking will be dealt with through graduated sanctions somewhat below Capital Punishment.

Sanctions should be proportionate to the crime, and the Zero Tolerance approach which includes thousands of dollars in court costs and probation fees, a criminal record, and jail time turns kids into criminals and creates contempt for the law.

Mickey’s Notes and Updates

INSURANCE TIPS FOR COLLEGE STUDENTS AND PARENTS

As students across Michigan prepare to head off to college, the Office of Financial and Insurance Regulation (OFIR) urge families to review their insurance policies. Parents need to ensure their children living away from home are covered by their property, auto and health insurance. Parents may also be able to lower insurance premiums if they modify and update their existing policies.

The following are some tips from OFIR for parents and college students:

College Students and Renter’s Insurance:

Whether students live in college housing or rent apartments, they will likely have valuables-such as a computer, TV, stereo and/or a video game system-that could be stolen or destroyed. Parents should check their homeowners' policy to see whether it will cover a college student's possessions.

College Students and Auto Insurance:

If a college student is going to be using the family vehicle when visiting home, parents should make sure the child is listed by name on the family's auto insurance policy. If the student will be taking a car with them, parents should check the specific rates for the college's city and state before deciding whether to keep their child on the family's auto policy. In addition, the insurance company should be notified each semester if the student maintains good grades, as that accomplishment might lower premiums.

To control costs, parents should also ask about an "accident forgiveness" clause that promises not to raise premiums if a student gets into one minor accident. They should also consider raising the policy's deductible and only allowing their child to drive the family's oldest, least expensive car.

College Students and Health Insurance:

Full-time college students are often covered under their parents' health insurance plans until they graduate or reach 23 years of age. While students are away at college, it is important to check whether the campus health facility, local physicians and hospitals accept the family's insurance coverage. If not, it might be advisable to purchase a student insurance plan through the college.

MORTGAGE SERVICE COMPANIES OFFERING HELP

According to a recent Associated Press article, the U.S. housing market continued to struggle last month as foreclosures grew by more than 50 percent compared with June just one year ago. One out of every 501 U.S. households has received a foreclosure filing in the last month, and Michigan has one of the highest foreclosure rates in the country. With weak housing sales and decreased home values financially-strapped homeowners have been left with few options to avoid foreclosure.

To address this housing crisis, six of the big mortgage servicing companies (Bank of America, Chase, Citigroup, Countrywide, Washington Mutual and Wells Fargo) have announced a program called "Hope Now" that may help their customers facing foreclosure. Hope Now has been working to create a unified, coordinated plan to reach and help as many homeowners as possible. To take part in this program, homeowners need to contact their loan servicing company within 10 days of receiving their letter regarding foreclosure proceedings. To be eligible, properties cannot be a part of a bankruptcy filing or be facing a foreclosure sale within 30 days. Investment properties or vacant homes also do not qualify for the program and borrowers must be willing to seek financial counseling.

To find out if you qualify or for more information, call (888) 995-4673, or visit this website:

<http://www.hopenow.com>.

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY RECEIVES NATIONAL RECOGNITION

The Department of Environmental Quality was recently recognized by the U.S. Environmental Protection Agency for maintaining one of the most effective and efficient National Pollutant Discharge Elimination Systems (NPDES) permitting programs in the entire nation. The EPA's Certificate of Achievement is awarded to recognize dedication to the NPDES and to restoring and maintaining water quality.

These NPDES permits are required for any business or municipality that releases possible pollutants into water. The process helps businesses across the state ensure they are maintaining the high water quality standards necessary to protect Michigan's natural resources. A high-quality program is also important in encouraging businesses to locate in Michigan and spur economic growth.

HOW MUCH DOES IT COST YOU TO COMMUTE?

Ever wonder how much it costs you to commute for a month? Visit the Michigan Department of Transportation (MDOT) website to calculate how much you spend driving to your job each month. The website can be found at: <http://mdotwas1.mdot.state.mi.us/public/rideshare/drivingcost.cfm>.

SEPTEMBER 30 DEADLINE FOR FILING HOME HEATING CREDIT

There is still time for qualified low-income Michigan residents to file for a Michigan Home Heating Credit, which provides assistance to households to pay their energy bills. The deadline to file for this credit is September 30, 2008. For more information, including eligibility requirements and forms (MI-1040CR-7), check out the following links: <http://www.michigan.gov/heatingassistance/0,1607,7-215-33210---,00.html> or <http://www.acf.hhs.gov/programs/ocs/liheap>.

In 2007, more than 378,000 Michigan residents received help from the Home Heating Credit program, which is funded by the federal Low-Income Home Energy Assistance Program.

What Do You Think? Smoking Ban Legislation

One of the major public policy issues that could come up for further consideration this fall is a potential ban on smoking in Michigan. The Michigan House and Senate have each passed their own versions of the legislation and there are differences over what establishments would be exempt from such a ban. These differences would have to be bridged in order for the legislation to head to Governor Granholm for approval before it expires at the end of this year.

On May 8, the Michigan Senate passed House Bill 4163, by a 25-12 vote. The bill would prohibit smoking in public places, in places of employment, and in food service establishments, such as restaurants, cafeterias, food courts in shopping malls, and bars. It basically provides for no exemptions.

Meanwhile, the House passed House Bill 5074 on May 28, 2008, banning smoking in workplaces but providing exemptions for casinos, tobacco retailers, cigar shops, hookah bars, union and bingo halls and horse tracks.

Supporters of a ban on smoking in workplaces argue that smoking is unhealthy and that cigarettes contain many known chemicals and poisonous materials that have been known to cause numerous deaths and increased health care illnesses and costs. As a result, they contend that by banning smoking in certain areas, less people will be exposed to dangerous second-hand smoke resulting in healthier Michigan residents. According to the Campaign for Smokefree Air, at least 33 states have laws on the books that prohibit some form of smoking at workplaces.

Opponents of the legislation counter that decisions on whether or not to go smoke-free should be determined by the owner of that business or establishment and not by the government. They argue that these decisions are best determined by the free market and customer choice. If people do not wish to eat or visit a particular establishment that allows smoking, they say that people are free to go elsewhere. In addition, opponents also argue that a ban on smoking would lead to significant economic losses to that establishment and would unfairly infringe on the rights of the individual.

What do you think? Feel free to send me your thoughts on a potential smoking ban in Michigan and I will publish some of them in the next edition of the *Insider E-newsletter*.

Coffee Hours

In response to requests from constituents, I have added coffee hours in Roseville and during the daytime. Here are my next scheduled coffee hours. Please feel to stop on by or make an appointment by calling my office.

September 29, 2008 1:30-2:30 p.m. Location: Biggby Coffee (26740 Gratiot, south of I-696) Roseville	October 30, 2008 7-8 p.m. Location: Clinton-Macomb Public Library (35891 South Gratiot) Clinton Township
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Mickey's TV Insider Show

Check out my TV Insider Show coming to a television station near you. Watch me interview local guests about politics, life, issues and concerns to our district.

Sterling Heights

Every Saturday and Sunday at 1 p.m.
(Comcast Channel 5/WOW Channel 10)

Utica

Every Wednesday at 9 a.m.
(Comcast Channel 5/WOW Channel 10)

Clinton Township

Last week of every month- Sat thru Thurs
(Comcast Channel 5/WOW Channel 10)

Roseville

Various Times-check local listings
(Comcast Channel 18/WOW Channel 10)

Contact My Office

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